

**RULES
OF
THE BOARD OF REGENTS
OF THE
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-3-12
MOTLOW STATE COMMUNITY COLLEGE
STUDENT DISCIPLINARY RULES**

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0240-3-12-.01 INSTITUTION POLICY STATEMENT.

- (1) College students are citizens of the State, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents has authorized the President of the College to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization, the College has developed the following regulations which are intended to govern student conduct on the campus. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local or national laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed September 20, 2007; effective January 28, 2008.

0240-3-12-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:

(Rule 0240-3-12-.02, continued)

- (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;
- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities (including computer facilities), including the following:
 - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
 - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
 - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials, computer equipment, and/or safety devices; and any such act against property belonging to a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (g) Misuse of document or identification cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind. Even individuals with handgun permits, may not carry handguns onto Motlow campuses; however, any law enforcement officer, policeman, bonded and sworn deputy sheriff may carry such handguns at all times pursuant to a written directive by the executive supervisor of the organization to which the person is or was attached or employed regardless of the person's regular duty hours or assignments;

(Rule 0240-3-12-.02, continued)

- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
 - (j) Alcoholic beverage. The use and/or possession, distribution, sale or manufacture of alcoholic beverages or public intoxication on property owned or controlled by the institution, at an institution-sponsored event, on property owned or controlled by an affiliated clinical site, or in violation of any term of the Motlow Drug-Free Schools and Communities Policy Statement;
 - (k) Drugs. The unlawful use, possession, distribution, sale or manufacture of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over the counter" drugs on property owned or controlled by the institution, at an institution-sponsored event, on property owned or controlled by an affiliated clinical site, or in violation of any term of the Motlow Drug-Free Schools and Communities Policy Statement;
 - (l) Gambling. Gambling in any form;
 - (m) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
 - (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
 - (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
 - (p) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
 - (q) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses which laws and regulations are incorporated herein by reference.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations, a "student" shall mean any person who is registered for study at the College for an academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

(Rule 0240-3-12-.02, continued)

Authority: T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002.

0240-3-12-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution initiated by and coordinated with the Vice President for Student Affairs and Institutional Advancement.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed September 20, 2007; effective January 28, 2008.

0240-3-12-.04 DISCIPLINARY SANCTIONS.

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in the Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Warning. The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of the Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.

(Rule 0240-3-12-.04, continued)

- (d) **Restriction.** A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.
 - (e) **Probation.** Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of the student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
 - (f) **Suspension.** If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension.
 - (g) **Expulsion.** Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution.
 - (h) **Interim or summary suspension.** Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.
 - (i) **Counseling/Rehabilitative Treatment.** Counseling sessions with Motlow State counseling personnel or outside sources may be recommended. Mandatory participation in, and satisfactory completion of a drug or alcohol abuse program or rehabilitation program.
- (3) The President of the College is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule file April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed January 11, 2002; effective May 31, 2002.

0240-3-12-.05 DISCIPLINARY PROCEDURES.

- (1) The principle of due process in student discipline is assured at Motlow State Community College. Any student accused of a disciplinary offense or academic misconduct will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Vice President for Student Affairs and Institutional Advancement.
- (2) Tennessee Uniform Administrative Procedures Act (TUAPA). All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons or (ii) revocation of registration of a student organization during the term of the registration are

(Rule 0240-3-12-.05, continued)

subject to the contested case provisions of the TUAPA and shall be processed in accordance with the Uniform Contested Case Procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have the case disposed of in accordance with College Procedures established by these rules.

- (3) College Procedures. The student can elect to choose disposition by the Vice President for Student Affairs and Institutional Advancement or to be heard before the Student Affairs Committee:

- (a) Disposition by the Vice President for Student Affairs and Institutional Advancement. A student may request that the Vice President for Student Affairs and Institutional Advancement adjudicate the case. If such a decision is made, the following procedures shall apply:

1. The Vice President for Student Affairs and Institutional Advancement shall advise the student in writing of the alleged charges against him/her and proceed to gather information concerning the case.
2. The investigation of the case shall include interviews with all relevant parties (accused, accuser, and possible witnesses, etc.).
3. The Vice President for Student Affairs and Institutional Advancement shall review the evidence, make a determination of innocence or guilt, and decide upon a proper disciplinary sanction.
4. The accused student and the Vice President for Student Affairs and Institutional Advancement shall meet to discuss the Vice President's findings and recommended disciplinary sanctions. The findings shall cite specific disciplinary offenses and specific sanctions as described in these rules.
5. The student may accept the Vice President's findings or he/she may request a hearing before the Student Affairs Committee.

- (b) Hearing before the Student Affairs Committee. A student accused of violating an offense may choose to have the case heard by the Student Affairs Committee. If such a hearing is initiated, the following procedures shall apply:

1. The Vice President for Student Affairs and Institutional Advancement shall advise the student in writing of the alleged charges against him/her and initiate an investigation.
2. At the conclusion of the investigation, the accused student shall be informed in writing of the date, time and place of the hearing not less than 10 days prior to the hearing date and shall be advised of the following rights:
 - (i) The right to present his/her case;
 - (ii) The right to be accompanied by an advisor;
 - (iii) The right to call witnesses in his/her behalf;
 - (iv) The right to confront witnesses against him/her.
3. The Chairperson of the Student Affairs Committee shall preside at the hearing.

(Rule 0240-3-12-.05, continued)

4. The Vice President for Student Affairs and Institutional advancement shall present the result of the investigation and when appropriate make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
 5. The accused shall have an opportunity to present his/her case in exercising any of the rights cited above.
 6. Members of the Committee shall have an opportunity to ask questions.
 7. After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 8. The decision shall be announced by the presiding officer of the hearing.
 9. The student shall be advised of his/her right to appeal the decision of the Student Affairs Committee to the President of the College.
- (4) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
- (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008.

0240-3-12-.06 VEHICLE REGISTRATION AND PARKING.

- (1) Any regular student, faculty member, or staff member who expects to operate and park a privately owned vehicle on campus must register the vehicle with the Business Office and obtain an official registration decal, valid from August 1 through July 31 of the following year. If needed, student may obtain additional decals in the Business Office.
- (2) Designated parking areas are provided for students with disabilities. A special parking decal for students with disabilities is available from the College Nurse upon the recommendation of a physician or based on an evaluation of the disability by the Nurse.
- (3) In an extreme emergency, when a non-registered vehicle is necessary for a limited time, the student must secure a temporary parking permit from the Vice President for Student Affairs and Institutional Advancement in order not to be subject to a charge for parking violation. This means even for one day.
- (4) The first and second parking violation during each academic year, except disabled parking violations, will result in a \$5.00 charge for each violation. The charge for each regular violation thereafter will be \$10.00 and a warning of disciplinary action. A \$100.00 charge will be assessed for each disabled parking violation. Failure to resolve parking violations by

(Rule 0240-3-12-.06, continued)

payment in the Business Office or by appeal will result in an official hold being placed on all student records. Students, therefore, will neither be able to receive their grades for the current semester nor register for subsequent semesters.

- (5) Any student may appeal his or her notice of a vehicle registration/parking violation to the Vice President for Student Affairs and Institutional Advancement. Appeals must be made within one week of the date of the citation for the violation. Ignorance of parking regulations will not be considered as a reason for appeal.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 21, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed October 17, 2002; effective February 28, 2003.

0240-3-12-.07 REPEALED.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Repeal filed November 3, 1989; effective February 28, 1990.